

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

**JEFFREY A. BOGENREIF and
DENICE M. NIEDZIELA,**

Defendants.

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8:05CR160

ORDER

This matter is before the court on the motion for an extension of time by defendant Jeffrey A. Bogenreif (Bogenreif) (Filing No. 20). Bogenreif seeks an extension of time for approximately two weeks in which to file pretrial motions pursuant to paragraph 3 of the progression order (Filing No. 15). Defense counsel represents to the court that Bogenreif will submit an affidavit in accordance with paragraph 9 of the progression order whereby Bogenreif consents to the motion and acknowledges he understands the additional time may be excludable time for the purposes of the Speedy Trial Act. Upon consideration, the motion will be granted. The deadline for filing pretrial motions will be extended as to co-defendant Niedziela also.

IT IS ORDERED:

1. Defendant Bogenreif's motion for an extension of time (Filing No. 20) is granted. Defendants are given until **on or before June 17, 2005**, in which to file pretrial motions pursuant to the progression order (Filing No. 15). The ends of justice have been served by granting such motion and outweigh the interests of the public and the defendants in a speedy trial. The additional **time** arising as a result of the granting of the motion, i.e., the time between **May 19, 2005 and June 17, 2005**, shall be deemed **excludable** time in any computation of time under the requirement of the Speedy Trial Act for the reason defendants' counsel require additional time to adequately prepare the case, taking into consideration due diligence of counsel, and the novelty and complexity of this case. The failure to grant additional time might result in a miscarriage of justice. 18 U.S.C. § 3161(h)(8)(A) & (B).

2. The tentative setting of an evidentiary hearing for 1:30 p.m. on May 27, 2005, is **canceled** and will be re-scheduled in the event any pretrial motions are filed in accordance with this order.

DATED this 19th day of May, 2005.

BY THE COURT:

s/Thomas D. Thalken
United States Magistrate Judge